

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MARTIN MCDONALD

PLAINTIFF

V.

NO. 4:18-CV-47-DMB-JMV

**MIDTOWN INVESTMENTS LLC,
d/b/a Custom Medical Solutions**

DEFENDANT

ORDER

On July 9, 2019, Midtown Investments, LLC, filed a motion for summary judgment. Doc. #56. In support of the motion, Midtown filed both a memorandum brief and a separate itemization of allegedly undisputed material facts. Docs. #57, #58.

Neither the Federal Rules of Civil Procedure nor the Local Rules of this Court contemplate the filing of a separate itemization of facts. *Automation Design & Sols., Inc. v. Yeliseyev*, No. 3:08-cv-589, 2012 WL 12974010, at *4 (S.D. Miss. Feb. 29, 2012). Such filings clutter the docket and provide an avenue for circumventing the page limits imposed by the Local Rules. *See Landrum v. Conseco Life Ins. Co.*, No. 1:12-cv-5, 2013 WL 6019303, at *15 (S.D. Miss. Nov. 13, 2013) (statement of facts in motion deemed attempt to circumvent page limits).

Upon consideration, the motion for summary judgment [56] is **DENIED without prejudice** to re-filing in compliance with this Court's Local Rules. Midtown may re-file the motion within seven (7) days of this order. The re-filed summary judgment motion may not include any new argument or basis for summary judgment. The accompanying memorandum brief must also comply with this Court's Local Rules and may not include new legal arguments.

SO ORDERED, this 22nd day of August, 2019.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE